

# FEDERAL REGISTER

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Washington, Tuesday, May 16, 1939

## The President

CORRECTING THE PROCLAMATIONS OF NOVEMBER 25, 1938, AND JANUARY 11, 1939, RELATING TO THE MARQUETTE NATIONAL FOREST—MICHIGAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the date of the Executive order of October 26, 1874, withdrawing public lands in Michigan for lighthouse purposes, is incorrectly stated as October 20, 1874, in Proclamation No. 2313 of November 25, 1938,<sup>1</sup> enlarging the Marquette National Forest, in the State of Michigan, and in Proclamation No. 2319 of January 11, 1939,<sup>2</sup> correcting the aforesaid proclamation:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that the aforesaid proclamations are hereby corrected by substituting the date "October 26, 1874," for the date "October 20, 1874," wherever the latter date may appear in such proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11<sup>th</sup> day of May in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the [SEAL] United States of America the one hundred and sixty-third.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL  
Secretary of State.

[No. 2336]

[F. R. Doc. 39-1682; Filed, May 15, 1939; 10:43 a. m.]

<sup>1</sup> 3 F.R. 2799 DI.  
<sup>2</sup> 4 F.R. 229 DI.

## EXECUTIVE ORDER

INSPECTION OF INCOME, EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by section 257 (a) of the Revenue Act of 1926 (44 Stat. 9, 51); section 55 of the Revenue Act of 1932 (47 Stat. 169, 189) as amended by section 218 (h) of the National Industrial Recovery Act (48 Stat. 195, 209); sections 215 (e) and 216 (b) of the National Industrial Recovery Act (48 Stat. 195, 208); sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934 (48 Stat. 680, 698, 770); sections 105 (e) and 106 (c) of the Revenue Act of 1935 (49 Stat. 1014, 1018, 1019); sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936 (49 Stat. 1648, 1671, 1733, 1738); and sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938 (52 Stat. 447, 478, 564, 566, 568), it is hereby ordered that income, excess-profits, and capital stock tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, and the Revenue Act of 1938, for the calendar year 1932 and subsequent taxable years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 26, passed February 3, 1939 (Seventy-sixth Congress, first session); such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the in-

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specification of returns by that committee, approved by me this date.<sup>1</sup>

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
May 11, 1939.

[No. 8131]

[F. R. Doc. 39-1661; Filed, May 13, 1939; 10:29 a. m.]

#### Rules, Regulations, Orders

##### TITLE 6—AGRICULTURAL CREDIT COMMODITY CREDIT CORPORATION

1938 CORN CIRCULAR LETTER No. 3; 1938-39 CORN CIRCULAR LETTER No. 2

MARCH 31, 1939.

1. Commodity Credit Corporation will purchase loans on 1938 CCC Corn Form A or 1938-39 CCC Corn Form A in instances where a portion of the corn collateral has been damaged by fire, lightning, cyclone, tornado, windstorm or flood, only when accompanied by a certificate of the County Agricultural Conservation Committee in the following form:

The undersigned member of the Agricultural County Committee certifies that the corn securing loan of -----

Name & Address  
----- for \$----- was reinspected on -----

(Date of Reinspection)

after reported damage from -----; that ----- bushels of corn have been resealed in a structure meeting the requirement of Commodity Credit Corporation and that such resealed corn is undamaged and meets the requirements of "eligible corn" as defined in the printed instruction of Commodity Credit Corporation. For the ----- (State)

----- Agricultural Conservation

(County) -----, 193-----

By -----

(Signature of Member)

2. The County Agricultural Conservation Committees have been instructed to communicate with the lending agencies holding the notes when corn is damaged

<sup>1</sup> See page 2031.



from any of the perils listed in Section 1 hereof, and to furnish such lending agency with a report of the damage, together with the required certificate for corn resealed. Lending agencies will be in position to file claims under any insurance coverage they may have on the basis of the report of the County Agricultural Conservation Committees.

3. In making purchase of notes as provided in Section 1 hereof, payment will be made to lending agencies of the loan value of the undamaged resealed corn, plus interest at the rate of 2½% per annum from the date of the note to the date of purchase.

[SEAL] SAMUEL H. SABIN,  
Secretary.

[F. R. Doc. 39-1678; Filed, May 15, 1939;  
9:40 a. m.]

#### TITLE 7—AGRICULTURE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P-4]

##### PART 741—1939 PRICE ADJUSTMENT PROGRAM REGULATIONS

###### SUPPLEMENT NO. 3

By virtue of the authority vested in the Secretary of Agriculture by the Price Adjustment Act of 1938, approved June 21, 1938 (Title V of Public Res. No. 122, 75th Congress; 52 Stat. 819), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), and the second paragraph of Section 15 of the Soil Conservation and Domestic Allotment Act, as amended by Section 104 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 35), the 1939 Price Adjustment Program Regulations, as amended,<sup>1</sup> are hereby amended as follows:

Section 741.2 is hereby amended to read as follows:

*Eligibility for payment.* In order to be eligible for a price adjustment payment with respect to a commodity, a person must have an interest as a landlord, tenant, or sharecropper in a farm (1) for which an acreage allotment has been established for the commodity under the 1939 Agricultural Conservation Program; (2) on which the acreage planted to such commodity for harvest in 1939 is not in excess of such acreage allotment; and (3) which is not idle in 1939; or, in the case of wheat, on which such crop was planted for harvest in 1938 or 1939, or the county committee determines that the failure to plant wheat for harvest in at least

one of such years was due to flood or drouth.

Done at Washington, D. C., this 13th day of May, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 39-1673; Filed, May 13, 1939;  
12:21 p. m.]

#### OFFICE OF THE SECRETARY

[Administrative Order]

LEE EXPERIMENTAL FOREST, BUCKINGHAM  
COUNTY, VIRGINIA

TRANSFER OF LANDS IN THE STATE OF VIRGINIA FROM THE SOIL CONSERVATION SERVICE TO THE FOREST SERVICE FOR ADMINISTRATION, PROTECTION AND MANAGEMENT

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and Executive Order No. 7908, dated June 9, 1938,<sup>1</sup> all lands within the hereinafter described area that hitherto have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), are hereby transferred from the Soil Conservation Service to the Forest Service for administration, protection and management as an experimental forest, under the laws applicable to said lands, and such rules and regulations as have been or hereafter may be promulgated consistent with the powers and authority vested in the Secretary of Agriculture by the aforesaid Executive Order, and the aforesaid Title III of the Bankhead-Jones Farm Tenant Act, to wit:

Beginning at a point in the center of State Road #639, being the northwest corner of the B. H. Springer tract, #6-16, (and referenced as follows: N. 50° W., 0.27 chains to a 10-inch white oak, blazed and scribed BT. 27; N. 70° 15' E., 0.21 chains to a 3-inch black gum, blazed and scribed BT. 21).

Thence the following courses and distances:

N. 71° 48' E., 11.37 chains; S. 0° 19' E., 7.13 chs.;

S. 02° 02' E., 18.05 chs.; S. 64° 26' E., 29.13 chs.;

S. 31° 45' W., 7.47 chs.; S. 25° 49' E., 3.75 chs.;

S. 60° 38' E., 11.05 chs.; S. 82° 34' W., 5.64 chs.;

N. 71° 34' W., 3.08 chs.; N. 43° 22' W., 5.68 chs.;

N. 60° 10' W., 2.19 chs.; S. 14° 44' E., 9.30 chs.;

S. 35° 10' E., 29.64 chs.; S. 18° 53' E., 15.27 chs.;

S. 38° 57' E., 6.45 chs.; thence in a straight line southeasterly approximately 1 mile to the intersection of State secondary roads #639 and #640, at Enonville P. O.; thence southwesterly along State secondary road #640 to the southeast corner of a tract of land owned by J. B. Boatwright, approximately one and one-half (1½) miles southwest of Enonville; thence leaving said road #640, N. 71° 56' W., 15.84 chs.; N. 75° 09' W., 16.39 chs., to the southeast corner of the N. A. Steger tract; thence N. 81° 03' W., 29.25 chs.;

N. 19° 14' E., 9.36 chs.; N. 75° 16' W., 26.94 chs.; N. 75° 16' W., 42.75 chs.; N. 28° 51' W., 8.83 chs.; N. 03° 02' W., 15.08 chs.; S. 85° 37' E., 9.20 chs.; N. 15° 43' E., 6.11 chs.;

N. 33° 45' W., 8.74 chs.; N. 82° 24' W., 1.96 chs.; N. 63° 17' W., 21.39 chs.; N. 64° 28' W., 15.77 chs.; N. 40° 32' E., 19.78 chs.;

S. 36° 08' E., 18.82 chs.; N. 60° 49' E., 3.92 chs.; N. 42° 25' W., 10.35 chs.; N. 42° 09' W., 16.02 chs.; N. 43° 59' W., 18.40 chs.;

N. 40° 46' E., 13.48 chs.; N. 51° 51' W., 6.82 chs.; N. 77° 33' E., 14.21 chs.; N. 17° 45' W., 12.91 chs.; N. 22° 37' W., 9.36 chs.;

N. 51° 19' E., 10.54 chs.; thence in a straight line approximately N. 08° 00' W., 26.75 chs.; thence N. 66° 15' W., 11.67 chs.;

N. 41° 36' W., 18.73 chs.; N. 49° 12' W., 1.83 chs.; N. 36° 17' E., 9.38 chs.; N. 33° 30' E., 5.82 chs.; N. 74° 50' E., 8.83 chs.;

N. 80° 01' E., 17.34 chs.; N. 76° 05' E., 28.82 chs.; thence in a straight line in a northeasterly direction approximately one and one-half (1½) miles to the place of beginning.

[SEAL] H. A. WALLACE,  
Secretary.

MAY 13, 1939.

[F. R. Doc. 39-1690; Filed, May 15, 1939;  
12:47 p. m.]

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

##### BUREAU OF ANIMAL INDUSTRY

[Amendment 31 to Declaration No. 12<sup>1</sup>]

DECLARING NAMES OF COUNTIES PLACED IN  
MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

#### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

##### BUREAU OF ANIMAL INDUSTRY

[Amendment 31 to Declaration No. 12<sup>1</sup>]

DECLARING NAMES OF COUNTIES PLACED IN  
MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

MAY 1, 1939.

In accordance with Section 2 of Regulation 7 of BAI Order 309, as amended September 10, 1936, the following named counties in the States named, having completed the necessary retests for re-accreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: \_\_\_\_\_ May 1, 1942  
Covington \_\_\_\_\_

<sup>1</sup> 4 F. R. 1685 DL.

<sup>1</sup> 3 F. R. 1389 DL.

<sup>1</sup> Supplements footnote to 9 C F R 77.3.



Arkansas:	
Baxter	May 1, 1942
Fulton	May 1, 1942
Colorado:	
Yuma	May 1, 1942
Florida:	
Palm Beach	May 1, 1942
Georgia:	
Jefferson	May 1, 1942
Morgan	May 1, 1942
Indiana:	
Madison	May 1, 1942
Pike	May 1, 1942
Iowa:	
Allamakee	May 1, 1942
Butler	May 1, 1942
Clarke	May 1, 1945
Jasper	May 1, 1945
Mitchell	May 1, 1942
Kansas:	
Cowley	May 1, 1942
Lyon	May 1, 1942
Kentucky:	
Carter	May 1, 1942
Clark	May 1, 1942
Cumberland	May 1, 1942
Green	May 1, 1942
Knox	May 1, 1942
McCracken	May 1, 1942
Owen	May 1, 1942
Maine:	
Penobscot	May 1, 1942
Maryland:	
Anne Arundel	May 1, 1942
Massachusetts:	
Bristol	May 1, 1942
Middlesex	May 1, 1942
Norfolk	May 1, 1942
Plymouth	May 1, 1942
Worcester	May 1, 1942
Mississippi:	
Holmes	May 1, 1942
Lowndes	May 1, 1942
Missouri:	
Andrew	May 1, 1942
DeKalb	May 1, 1942
Gasconade	May 1, 1942
Miller	May 1, 1942
Nodaway	May 1, 1942
Nebraska:	
Brown	May 1, 1942
Greeley	May 1, 1942
Howard	May 1, 1942
Merrick	May 1, 1942
Sherman	May 1, 1942
Wheeler	May 1, 1942
New Hampshire:	
Merrimack	May 1, 1942
New Jersey:	
Monmouth	May 1, 1941
North Carolina:	
Bertie	May 1, 1942
Hyde	May 1, 1942
Washington	May 1, 1942
Ohio:	
Clinton	May 1, 1942
Pennsylvania:	
Lackawanna	May 1, 1942
South Carolina:	
Williamsburg	May 1, 1942
South Dakota:	
Buffalo	May 1, 1942
Campbell	May 1, 1942
Halworth	May 1, 1942
Tennessee:	
Greene	May 1, 1942
Sequatchie	May 1, 1942
Texas:	
Colorado	May 1, 1942
Haskell	May 1, 1942
Jefferson	May 1, 1942
Kendall	May 1, 1942
Live Oak	May 1, 1942
Matagorda	May 1, 1942
McMullen	May 1, 1942
San Jacinto	May 1, 1942
Tyler	May 1, 1942
Waller	May 1, 1942
Virginia:	
Alleghany	May 1, 1942
Culpeper	May 1, 1942
Washington:	
Lincoln	May 1, 1942

West Virginia:  
 Jefferson May 1, 1942  
 Nicholas May 1, 1942

Declaration No. 12, dated October 1, 1936,<sup>2</sup> as amended, is hereby further amended accordingly.

[SEAL] J. R. MOHLER,  
 Chief of Bureau.

[F. R. Doc. 39-1653; Filed, May 12, 1939;  
 3:00 p. m.]

## TITLE 12—BANKS AND BANKING

### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Amendment No. 2 of Regulation T]

#### EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

On May 9, 1939, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Resolved*, That effective May 22, 1939, Regulation T<sup>1</sup> (12 CFR.220), Extension and Maintenance of Credit by Brokers, Dealers, and Members of National Securities Exchanges, be amended in the following respects:

1. Section 4 (c) (12 CFR.220.4 (c)) of Regulation T is amended to read as follows:

"(c) *Special cash account*.—(1) In a special cash account, a creditor may effect for or with any customer *bona fide* cash transactions in securities in which the creditor may—

"(A) purchase any security for, or sell any security to, any customer, provided funds sufficient for the purpose are already held in the account or the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the customer will promptly make full cash payment for the security and that the customer does not contemplate selling the security prior to making such payment; or

"(B) sell any security for, or purchase any security from, any customer, provided the security is held in the account or the creditor is informed that the customer or his principal owns the security and the purchase or sale is in reliance upon an agreement accepted by the creditor in good faith that the security is to be promptly deposited in the account.

"(2) In case a customer purchases a security (other than an exempted security) in the special cash account and does not make full cash payment for the security within 7 days after the date on which the security is so purchased, the creditor shall, except as provided in the succeeding subdivisions of this section 4 (c), promptly cancel or otherwise liqui-

date the transaction or the unsettled portion thereof.

"(3) If the security when so purchased is an unissued security, the period applicable to the transaction under subdivision (2) of this section 4 (c) shall be 7 days after the date on which the security is made available by the issuer for delivery to purchasers.

"(4) If any shipment of securities is incidental to the consummation of the transaction, the period applicable to the transaction under subdivision (2) of this section 4 (c) shall be deemed to be extended by the number of days required for all such shipments, but not by more than 7 days.

"(5) If the creditor, acting in good faith in accordance with subdivision (1) of this section 4 (c), purchases a security for a customer, or sells a security to a customer, with the understanding that he is to deliver the security promptly to the customer, and the full cash payment to be made promptly by the customer is to be made against such delivery, the creditor may at his option treat the transaction as one to which the period applicable under subdivision (2) of this section 4 (c) is not the 7 days therein specified but 35 days after the date of such purchase or sale: *Provided, however*, That the creditor shall not so treat any purchase by a given customer if any security has been purchased by such customer at any time during the preceding 90 days in a special cash account with the creditor, and then, for any reason whatever, without having been previously paid for in full by the customer, the security has been sold in the account or delivered out to any broker or dealer: *Provided*, That an appropriate committee of a national securities exchange, on application of the creditor, may authorize the creditor to disregard for the purposes of the preceding proviso any given instance of the type therein described if the committee is satisfied that both creditor and customer are acting in good faith and that circumstances warrant such authorization.

"(6) If an appropriate committee of a national securities exchange is satisfied that the creditor is acting in good faith in making the application, that the application relates to a *bona fide* cash transaction, and that exceptional circumstances warrant such action, such committee, on application of the creditor, may (A) extend any period specified in subdivision (2), (3), (4) or (5) of this section 4 (c) for one or more limited periods commensurate with the circumstances, or (B), in case a security purchased by the customer in the special cash account is a registered or exempted security, authorize transfer of the transaction to a general account or special omnibus account and completion of the transaction pursuant to the provisions of this regulation relating to such an account.

<sup>1</sup> 3 F.R. 712 DI.

<sup>2</sup> 1 F.R. 2024.



"(7) The days specified in this section 4 (c) are calendar days, but if the last day of any period specified herein is a Saturday, Sunday, or holiday, such period shall be considered to end on the next full business day. For the purposes of this section 4 (c), a creditor may, at his option, disregard any sum due by the customer not exceeding \$50."

2. Section 4 (f) (12 CFR.220.4 (f)) of Regulation T is amended by inserting the following subdivisions after subdivision (1) of said section and renumbering the succeeding subdivisions accordingly:

"(2) Make loans, and may maintain loans, to or for any partner of a firm which is a member of a national securities exchange to enable such partner to make a contribution of capital to such firm provided (A) the lender as well as the borrower is a partner in such firm, or (B) the lender as well as the borrower is a member of such exchange, the loan has the approval of an appropriate committee of the exchange, and the committee, in addition to being satisfied that the loan is not in contravention of any rule of the exchange, is satisfied that the loan is outside the ordinary course of the lender's business, and that, if the borrower's firm does any dealing in securities for its own account, the loan is not for the purpose of enabling the firm to increase the amount of such dealing;

"(3) Purchase any security from any customer who is a broker or dealer, or sell any security to any such customer, provided the creditor acting in good faith purchases or sells the security for delivery, against full payment of the purchase price, as promptly as practicable in accordance with the ordinary usage of the trade;"

(Sec. 3 (a) and (b), Sec. 7 (a), (b), (c) and (d), Sec. 8 (a), Sec. 17 (b) and Sec. 23 (a), 48 Stat. 881, 886, 888, 897, and 901; Sec. 8, 49 Stat. 1379; 15 U.S.C. 78c-(a) and (b), 78g-(a), (b), (c) and (d), 78h-(a), 78q-(b), 78w-(a)) [Reg. T, BGFRS, Jan. 1, 1938, 2 F.R. 2916, as amended effective May 22, 1939]

Adopted by the Board of Governors of the Federal Reserve System on May 9, 1939.

[SEAL]

S. R. CARPENTER,  
Assistant Secretary.

[F. R. Doc. 39-1671; Filed, May 13, 1939; 12:16 p. m.]

# TITLE 16—COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 3119]

IN THE MATTER OF NEW YORK PATTERN COMPANY, INC., ET AL.

§ 3.6 (ff 10) Advertising falsely or misleadingly—Unique nature or advan-

tages: § 3.69 (b) 16 (d) Misrepresenting oneself and goods—Goods—Unique nature or advantages. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of paper dress patterns, by means of counter display catalogs or in any other manner, that the paper dress patterns sold by the New York Pattern Company, Inc., under the designation "Hollywood" patterns are the only Hollywood patterns on the market, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, New York Pattern Company, Inc., et al., Docket 3119, May 3, 1939]

§ 3.48 (a) 2) Disparaging competitors and their products—Competitors—Discontinuance of operations: § 3169 (a) 1.05) Misrepresenting oneself and goods—Business status, advantages or connections—Competitor's business as now respondent's. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of paper dress patterns, that the New York Pattern Company, Inc., has purchased the business of the Hollywood Pattern Company, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, New York Pattern Company, Inc., et al., Docket 3119, May 3, 1939]

§ 3.48 (b) 1.05) Disparaging competitors and their products—Goods—Competitor's as same as: § 3.69 (b) .01) Misrepresenting oneself and goods—Goods—Competitive equivalent: § 3.87 (h) Simulating competitor or his product—Trade name of competitor's product. Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of paper dress patterns, that the paper dress patterns sold by the New York Pattern Company, Inc., under the name Hollywood patterns are the same as the paper dress patterns sold by the Hollywood Pattern Company under the name Hollywood patterns, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, New York Pattern Company, Inc., et al., Docket 3119, May 3, 1939]

§ 3.6 (b) 1.05) Advertising falsely or misleadingly—Competitors and their products—Competitors' catalogs: 3.6 (cc) (3) Advertising falsely or misleadingly—Source or origin—Maker: § 3.87 (a) Simulating competitor or his product—Advertising matter. Distributing, in connection with offer, etc., in interstate commerce or in District of Columbia, of paper dress patterns, a counter display catalog of the Hollywood patterns of the New York Pattern Company, Inc., which simulates, with respect to color and design, the counter display catalog of the Hollywood patterns of the Hollywood Pattern Company, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b)

[Cease and desist order, New York Pattern Company, Inc., et al., Docket 3119, May 3, 1939]

## United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF NEW YORK PATTERN COMPANY, INC., FASHION INSTITUTE, INC., AND JOHN HOWIE WRIGHT

## ORDER TO CEASE AND DESIST

This proceeding having been heard<sup>1</sup> by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents New York Pattern Company, Inc., and John Howie Wright, testimony and other evidence taken before Charles F. Diggs, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and brief in support of the complaint filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, John Howie Wright and New York Pattern Company, Inc., their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of paper dress patterns in interstate commerce or in the District of Columbia, do forthwith cease and desist:

(1) From representing by means of counter display catalogs or in any other manner that the paper dress patterns sold by the New York Pattern Company, Inc., under the designation "Hollywood" patterns are the only Hollywood patterns on the market;

(2) From representing that the New York Pattern Company, Inc., has purchased the business of the Hollywood Pattern Company;

(3) From representing that the paper dress patterns sold by the New York Pattern Company, Inc. under the name Hollywood patterns are the same as the paper dress patterns sold by the Hollywood Pattern Company under the name Hollywood patterns;

(4) From distributing a counter display catalog of the Hollywood patterns of the New York Pattern Company, Inc. which simulates, with respect to color and design, the counter display catalog of the Hollywood patterns of the Hollywood Pattern Company.

It is further ordered, That the complaint herein as to the respondent, Fash-

<sup>1</sup> 3 F.R. 1167 DL



ion Institute, Inc., be and the same is hereby dismissed.

It is further ordered, That the respondents, New York Pattern Company, Inc., and John Howie Wright, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-1667; Filed, May 13, 1939;  
11:38 a. m.]

[Docket No. 3704]

IN THE MATTER OF ANYLITE ELECTRIC  
COMPANY

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j) 10 *Misbranding or mislabeling—Results.* Representing, in connection with offer, etc., in commerce, of "Theronoid", or similar electric device, that said "Theronoid" has any therapeutic, remedial or curative value in the treatment of persons suffering from illness or disease, or will restore a person to normal health or produce other beneficial results to individuals not in normal health, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Anylite Electric Company, Docket 3704, May 8, 1939]

United States of America—Before  
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and testimony introduced in the proceeding before the Commission known as Theronoid Incorporated, Docket 1865, which the respondent stipulated in its answer may be considered as evidence in this proceeding with the same force and effect as though same had been introduced directly in this proceeding, and all intervening procedure and further hearing as to the facts having been waived, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Anylite Electric Company, Inc., and its

officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a certain electrical device known as a Theronoid, or similar electrical devices, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that said Theronoid has any therapeutic, remedial or curative value in the treatment of persons suffering from illness or disease;

(2) Representing that the Theronoid will restore a person to normal health or produce other beneficial results to individuals not in normal health.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-1668; Filed, May 13, 1939;  
11:38 a. m.]

[Docket No. 3738]

IN THE MATTER OF UNITED ADVERTISING  
SERVICE

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of clocks, desk lighters or any other merchandise, others with push or pull cards, punch boards or other lottery devices to enable such persons to dispose of or sell such merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Advertising Service, Docket 3738, May 9, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of clocks, desk lighters or any other merchandise, to his agents or to distributors or to the public, push or pull cards, punch boards or other lottery devices so prepared or printed as to enable such persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Advertising Service, Docket 3738, May 9, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of clocks, desk lighters or any other merchandise, any merchandise by the use of push or pull cards, punch boards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and

desist order, United Advertising Service, Docket 3738, May 9, 1939]

United States of America—Before  
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MEYER EDELSON, IN-  
DIVIDUALLY, AND TRADING AS UNITED AD-  
VERTISING SERVICE

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Meyer Edelson, individually and trading as United Advertising Service, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of clocks, desk lighters or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices for the purpose of enabling such persons to dispose of or sell such merchandise by the use thereof;

2. Mailing, shipping or transporting to his agents or to distributors or to the public push or pull cards, punch boards or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

3. Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices.

It is further ordered, That within sixty (60) days from the service of this order upon said respondent he shall file with the Commission a report in writing setting forth in detail the manner and form in which this order has been complied with.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-1669; Filed, May 13, 1939;  
11:39 a. m.]



## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## SECURITIES AND EXCHANGE COMMISSION

## SECURITIES ACT OF 1933

Form 1-G, Report of Sale of Oil or Gas Right, adopted May 21, 1937, effective June 1, 1937,<sup>1</sup> and amended May 3, 1939, effective June 1, 1939, was filed with the Division of the Federal Register, The National Archives, on May 13, 1939, at 11:15 a. m. (F. R. Doc. 39-1665). Requests for copies should be addressed to the Securities and Exchange Commission.

## SECURITIES ACT OF 1933

Form 2-G, Report of Sale of Oil or Gas Right, adopted May 21, 1937, effective June 1, 1937,<sup>1</sup> and amended May 3, 1939, effective June 1, 1939, was filed with the Division of the Federal Register, The National Archives, on May 13, 1939, at 11:15 a. m. (F. R. Doc. 39-1666). Requests for copies should be addressed to the Securities and Exchange Commission.

## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 49859]

NOTICE OF ADDITIONAL INFORMATION REQUIRED TO ACCOMPANY INVOICES OF CERTAIN TOYS<sup>2</sup>

## To Collectors of Customs and Others Concerned:

With reference to article 274 (e) (2) of the Customs Regulations of 1937, as amended by T. D. 49426, [Sec. 6.1 (c)] invoices of toys to be imported into the United States shall set forth the following information so far as it may be applicable to particular importations in addition to all other information required by law or regulation:

1. The net net weight of all figures or images of animate objects wholly or in chief value of metal and the value per pound of such figures or images.

2. Whether any of the figures or images of animate objects wholly or in chief value of metal has any movable member or part and, if so, whether such figure or image has a spring mechanism.

3. The actual over-all height of each stuffed animal figure not having a spring mechanism.

This requirement shall be effective as to invoices certified sixty days after publication of this document in the weekly

<sup>1</sup> 2 F. R. 907.<sup>2</sup> This document affects 19 CFR 6.1 (c).

Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10)).

[SEAL]

JAMES H. MOYLE,  
Commissioner of Customs.

Approved, May 10, 1939.

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 39-1659; Filed, May 13, 1939;  
10:29 a. m.]

[T. D. 49858]

NOTICE OF ADDITIONAL INFORMATION TO BE INCLUDED ON CUSTOMS INVOICES COVERING ARTICLES MADE FROM MATTING (OTHER THAN PILE MATS AND PILE FLOOR COVERINGS) WHOLLY OR IN CHIEF VALUE OF COCOA FIBER OR RATTAN<sup>2</sup>

## To Collectors of Customs and Others Concerned:

With reference to article 274 (e) (2) of the Customs Regulations of 1937, as amended by T. D. 49426, [Sec. 6.1 (c)] invoices covering articles made from matting (other than pile mats and pile floor coverings) wholly or in chief value of cocoa fiber or rattan to be imported into the United States are hereby required to include a statement as to whether such articles were cut from continuous rolls of matting or were cut from rolls having threads omitted in the web in the process of weaving, thereby forming a line of demarcation to indicate the length of the individual articles. This requirement shall be effective as to invoices certified sixty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

J. H. MOYLE,

Commissioner of Customs.

Approved, May 9, 1939.

STEPHEN B. GIBBONS,  
Acting Secretary of the Treasury.

[F. R. Doc. 39-1687; Filed, May 15, 1939;  
12:39 p. m.]

[T. D. 49861]

## CUSTOMS REGULATIONS OF 1937 AMENDED TO PROVIDE FOR THE TREATING OF INTERNAL-REVENUE TAXES AS UNCOLLECTIBLE

## To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in section 624 of the Tariff Act of 1930 (U.S.C., title 19, sec. 1624), and section 2800 (f), Internal Revenue Code, article 1247 of the Customs Regulations of 1937 is amended to read as follows:

ART. 1247. Collection of. (a) If increased, additional or supplemental duties or internal-revenue taxes are found due upon liquidation, notice thereof on

customs Form 5107 shall be promptly sent to the importer of record, or to the actual owner when the latter has become liable for the duties under the provisions of section 485 (d) of the Tariff Act of 1930. If within ten days thereafter such duties or taxes shall not have been paid, the collector shall cause an investigation to be made to ascertain the whereabouts of the parties indebted and make efforts to collect the amount due. If the amount involved is \$10 or less or, regardless of the amount involved, if the parties cannot be found, are dead, leaving no estate, or are insolvent, or beyond the reach of legal process, the facts shall be reported through the Bureau of Customs to the General Counsel for the Department of the Treasury, who may authorize the collector to treat such duties and internal-revenue taxes as uncollectible, without prejudice, however, to the right of future action on the part of the Government.

(b) In all other cases, where the claim has not been paid within ten days, the United States attorney should be requested to proceed to enforce collection.

(c) When entry is made in the name of a nominal consignee, action looking to the recovery of the duties should not be instituted until ten days after the 90-day period fixed by section 485 (d) of the Tariff Act of 1930 for the submission of the declaration of the actual owner. The same procedure shall apply in respect of a combined claim for duties and internal-revenue taxes. If, however, the claim is for internal-revenue taxes only action looking to the collection thereof shall not be deferred beyond the ten-day period mentioned in paragraph (a).

[SEAL]

J. H. MOYLE,  
Commissioner of Customs.  
GUY T. HELVERING,  
Commissioner of Internal Revenue.

Approved April 3, 1939.

JOHN W. HANES,  
Acting Secretary of the Treasury.

[F. R. Doc. 39-1688; Filed, May 15, 1939;  
12:39 p. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4900]

## REGULATIONS GOVERNING THE INSPECTION OF INCOME, EXCESS-PROFITS, AND CAPITAL STOCK TAX RETURNS BY THE SPECIAL COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

## Collectors of Internal Revenue and Others Concerned:

Pursuant to the provisions of section 257 (a) of the Revenue Act of 1926;



section 55 of the Revenue Act of 1932, as amended by section 218 (h) of the National Industrial Recovery Act; sections 215 (e) and 216 (b) of the National Industrial Recovery Act; sections 55 (a), 701 (e), and 702 (b) of the Revenue Act of 1934; sections 105 (e) and 106 (c) of the Revenue Act of 1935; sections 55 (a), 351 (c), and 503 (a) of the Revenue Act of 1936; and sections 55 (a), 409, 601 (e), and 602 (c) of the Revenue Act of 1938, income tax returns made under the Revenue Act of 1932, the Revenue Act of 1932, as amended by the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1936, the Revenue Act of 1936, as amended by the Revenue Act of 1937, and the Revenue Act of 1938, and capital stock and excess-profits tax returns made under the National Industrial Recovery Act, the Revenue Act of 1934, the Revenue Act of 1935, as amended by the Revenue Act of 1936, the Revenue Act of 1936, and the Revenue Act of 1938, for the calendar year 1932 and subsequent taxable years, shall be open to inspection by the Special Committee on Un-American Activities, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of House Resolution 26 (Seventy-sixth Congress, first session), passed February 3, 1939. The inspection of returns herein authorized may be by the committee or a duly authorized subcommittee thereof, acting directly as a committee or a subcommittee, or by or through such examiners or agents as the committee or subcommittee may designate or appoint. Upon written notice by the chairman of the committee or of the authorized subcommittee to the Secretary of the Treasury, giving the names and addresses of the taxpayers whose returns it is necessary to inspect and the taxable periods covered by the returns, the Secretary and any officer or employee of the Treasury Department shall furnish such committee or subcommittee with any data relating to or contained in any such return, or shall make such return available for inspection by the committee or subcommittee or by such examiners or agents as the committee or subcommittee may designate or appoint, in the office of the Commissioner of Internal Revenue. Any information thus obtained by the committee or the subcommittee thereof, which is relevant or pertinent to the purpose of the investigation, may be submitted by the committee or the subcommittee to the House.

[SEAL]

H. MORGENTHAU, Jr.,  
Secretary of the Treasury.

Approved, May 11, 1939.

FRANKLIN D. ROOSEVELT  
The White House.

[F. R. Doc. 39-1660; Filed, May 13, 1939;  
10:29 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### OFFICE OF THE SECRETARY

#### PART 10—REGULATIONS RELATING TO THE PRACTICE OF ATTORNEYS AND AGENTS

##### "§ 10.3 Qualifications for enrollment.

(a) Persons of the following classes who are found, upon consideration of their applications, to possess the qualifications required by these regulations may be admitted to practice before the Treasury Department as attorneys or agents respectively:

"1. Attorneys at law who have been admitted to practice before the courts of the States, Territories, or District of Columbia, in which they maintain offices, and who are lawfully engaged in the active practice of their profession.

"2. Certified public accountants who have duly qualified to practice as certified public accountants in their own names, under the laws and regulations of the States, Territories, or District of Columbia, in which they maintain offices, and who are lawfully engaged in active practice as certified public accountants.

"Applicants who are employed by corporations on a full-time basis and who do not maintain offices apart from such employment with their services available to the general public will not be considered to be in active practice within the meaning of the term as used above.

"Applicants for enrollment to practice before the Treasury Department are required by statute to 'show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases.' (Title 5, section 261, United States Code.) The burden is upon applicants to establish clearly their right to enrollment by showing that they possess (1) a good character and reputation, (2) an adequate education, and (3) a knowledge of the laws and regulations relating to tax matters and other subjects which they expect to handle before the Department and of the rules and regulations governing practice before the Department.

"Good character and good reputation are not identical requirements. The former is determined by the applicant's actual qualities; the latter depends upon the opinion entertained of the applicant by those who have had the opportunity of knowing him in the community in which he resides or in which he practices his profession. It follows that evidence of any act or omission which tends to establish lack of integrity or untrustworthiness or other qualities reprehensible in a professional man, is material as bearing upon the character of

the applicant, notwithstanding there is clear proof that his reputation is good. An applicant must furnish as references the names and addresses of at least six persons who are acquainted with his reputation and with whom the applicant has come in contact in his profession or business.

"(b) Among the causes sufficient to justify denial of an application for enrollment are: Any conduct, or practices, or proposed practices, which would constitute a violation of any of the provisions of these regulations if the applicant were enrolled or any other conduct which would be a ground for suspension or disbarment under the applicable law or laws; any conduct which would be deemed grossly unfair in commercial transactions by accepted standards; or a bad reputation imputing to an applicant conduct of a criminal, dishonest, or unethical kind.

"The Committee on Enrollment and Disbarment will endeavor to ascertain all the facts deemed necessary by it to pass upon any application without expense or undue inconvenience to the applicant. In the event, however, that the Committee is not satisfied with the information received, it may require the applicant to appear in person before the Committee or before some person or persons designated by it for the purpose of undergoing additional written or oral examination as to his fitness for enrollment. The Committee may grant a hearing on an application at the applicant's request.

"(c) Application for enrollment may be denied in any case in which it appears that the applicant has terminated his employment with the Treasury Department in violation of an obligation assumed as a condition of such employment to remain in the service of the Department for a specified period or for a reasonable time.

"(d) Only citizens of the United States over the age of 21 years are eligible for enrollment. A person who is unable for any reason to take the oath of allegiance, and to support the Constitution of the United States, as required of persons prosecuting claims against the United States by Title 31, section 204, United States Code, cannot be enrolled.

"(e) Corporations and partnerships are ineligible for enrollment.

"(f) Officers and employees of any State, or subdivision thereof, whose duties require them to pass upon, investigate, or deal with tax matters of such State or subdivision, shall be ineligible for enrollment, provided such employment may disclose facts or information applicable to Federal tax matters.

"(g) Judges of courts of record shall be ineligible for enrollment.

"(h) All persons to whom section 198 or section 203 of Title 18 of the United States Code applies, all persons prohibited by other law from representing



claimants against the United States, all persons regularly employed by corporations owned wholly by the United States, and all persons regularly employed by the District of Columbia shall be ineligible for enrollment."\*

[SEAL] JOHN W. HANES,  
Acting Secretary of the Treasury.

MAY 11, 1939.

[F. R. Doc. 39-1689; Filed, May 15, 1939;  
12:39 p. m.]

#### TITLE 43—PUBLIC LANDS GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWALS Nos. 9  
AND 81, NEW MEXICO Nos. 3 AND 12,  
REDUCED

##### Correction

The land description appearing in F.R. Doc. 39-1460, filed on April 29, 1939, at 10:47 a. m., and appearing at Page 1749 of the FEDERAL REGISTER for Tuesday, May 2, 1939, should be corrected as follows: "T. 31 N., R. 5 W., all of secs. 40 and 31;" should read "T. 31 N., R. 5 W., all of secs. 30 and 31;"

#### TITLE 47—TELECOMMUNICATION FEDERAL COMMUNICATIONS COM- MISSION

##### CHAPTER II—GENERAL SUBSTANTIVE RULES

##### PART 23—TECHNICAL REGULATIONS

The Commission modified Section 23.03 in the following particulars:

Frequency:	Allocation
2912.....	Government.
3370.....	
3372.5.....	Aviation.
3375.....	
4480.....	Government.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c)—Sec. 303 (r), 48 Stat. 1082; 47 U.S.C. 303 (r)) [Rule 229, as amended by the FCC on May 8, 1939, to become effective immediately]

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-1656; Filed, May 13, 1939;  
10:24 a. m.]

#### CHAPTER IX—RULES GOVERNING AVIA- TION RADIO SERVICES

##### PART 101—ASSIGNMENT OF FREQUENCIES FOR AVIATION PURPOSES

The Commission modified Section 101.02 to read as follows:

\*These regulations supersede Section 10.3, Chapter 1, Title 31 of the Code of Federal Regulations issued under authority contained in Sec. 3, 23 Stat. 258, title 5, U.S.C. 261 (Circ. 230, Sec. Treas. Sept. 15, 1936)

No. 94—2

#### Northern Transcontinental Chain and Feeders (Red)

Available for aircraft and aeronautical stations:

3147.5	3322.5	5172.5 <sup>10</sup>	5662.5
3162.5	3372.5	5572.5	5697.5 <sup>10</sup>
3172.5	3467.5	5582.5	5825 <sup>10</sup>
3182.5	5122.5	5592.5	

Available for aeronautical point-to-point stations:

5310

#### Mid-Transcontinental Chain and Feeders (Blue)

Available for aeronautical and aircraft stations:

2906	3088	4952.5	5692.5
3062.5 <sup>8</sup>	4937.5	4967.5	6520 <sup>2</sup>
3072.5	4947.5	5652.5	

Available for aeronautical point-to-point stations:

2720	6510 <sup>2</sup>	8015 Day only
2732	6520 <sup>12</sup>	10125 Day only
4110	6530 <sup>2</sup>	10855 <sup>10</sup> Day only

#### Southern Transcontinental Chain and Feeders (Brown)

Available for aeronautical and aircraft stations:

2946	3257.5	5602.5	5672.5
3222.5 <sup>8</sup>	3447.5	5612.5	5887.5 <sup>8</sup>
3232.5	3457.5	5632.5	6540
3242.5	4732.5	5652.5	

Available for aeronautical point-to-point stations:

2612	4690	6550 <sup>2</sup>	10190 Day only
2636	4730 <sup>12</sup>	6560 <sup>2</sup>	18360 <sup>10</sup> Day only
3447.5 <sup>12</sup>	6540 <sup>12</sup>	7700 <sup>10</sup>	Day only

#### Eastern Continental Chain and Feeders (Green)

Available for aeronautical and aircraft stations:

2854	2986	4742.5	5707.5 <sup>13</sup>
2922	4122.5	5652.5	6590 <sup>2</sup>
2946	4335 <sup>8</sup>	5672.5	

\*These frequencies assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

<sup>2</sup>Day only—not to be used within 300 miles of Canada.

<sup>4</sup>Available for use in the Pacific area only.

<sup>8</sup>These frequencies are assigned upon the express condition that no interference will be caused to the international service of any station which in the discretion of the Commission may have priority on the frequency, or frequencies, with which interference results.

<sup>10</sup>Subject to the condition that no interference is caused to the international service.

<sup>12</sup>Subject to the condition that no interference is caused to Government stations.

<sup>14</sup>For use on routes lying south of the United States only.

<sup>16</sup>Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.

<sup>18</sup>For use south of Dallas, Tex.

<sup>20</sup>Subject to the condition that no interference is caused to aeronautical and aircraft stations.

<sup>22</sup>Day only, not to be used within 400 miles of Canada.

Available for aeronautical point-to-point stations:

2608	4740 <sup>12</sup>	6590 <sup>2</sup>	10855 <sup>10</sup> Day only
2748	4745 <sup>12</sup>	6600 <sup>2</sup>	11960 <sup>10</sup> Day only
4735 <sup>12</sup>	5310	8130 <sup>8</sup>	Day only

#### Northwestern Continental Chain and Feeders (Purple)

Available for aeronautical and aircraft stations:

2854	4917.5	5887.5 <sup>8</sup>
2994	3127.5	
3005	5377.5	Day only

Available for aeronautical point-to-point stations:

2644	5310	10855 <sup>10</sup> Day only
2994 <sup>12</sup>	6490 <sup>2</sup>	10965 <sup>10</sup> Day only
4917.5 <sup>12</sup>	8130 <sup>8</sup>	Day only

#### Mid-Continental Chain and Feeders (Yellow)

Available for aeronautical and aircraft stations:

3432.5 <sup>10 11</sup>	5032.5 <sup>10 11</sup>	5887.5 <sup>8</sup>
3452.5 <sup>10</sup>	5042.5	5682.5
3485		

Available for aeronautical point-to-point stations:

2640	5215 <sup>10</sup>	11910 <sup>10</sup> Day only
4650	8070 <sup>10</sup>	Day only

#### Southern Intercontinental Chain and Feeders (Orange)

Available for aeronautical and aircraft stations:

2870	5375	8220	16440
2986 <sup>4</sup>	5405	Day only	8240 <sup>3</sup>
3082.5	5692.5	11470 <sup>8 9</sup>	
5165 <sup>8</sup>	6570	12330	

Available for aeronautical point-to-point stations:

2648	5375	8240 <sup>3</sup>	12330 <sup>3</sup>
2986 <sup>4</sup>	6570 <sup>2</sup>	9310 <sup>5 9</sup>	16240
3082.5	6580 <sup>2</sup>	10955 <sup>9</sup>	16440 <sup>8</sup>
5165 <sup>8</sup>	8220 <sup>2</sup>	11470 <sup>8 9</sup>	17000 <sup>8</sup>

(Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f) Rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)) [Rule 262a, B, b, as amended by the FCC, May 8, 1939, effective immediately]

The Commission amended the following section to read:

§ 101.03 *Additional frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft:

2930	6615	11910 <sup>10</sup> Day only
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(Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f) Rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)) [Rule 262a, C, as amended by the FCC on May 8, 1939, effective immediately]

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-1657; Filed, May 13, 1939;  
10:24 a. m.]



## CHAPTER XXVIII.—MISCELLANEOUS RULES AND REGULATIONS

## PART 500—SPECIAL TEMPORARY RULES GOVERNING THE OPERATION OF SHIP TELEPHONE AND COASTAL HARBOR TELEPHONE STATIONS IN THE GREAT LAKES REGION

The Commission deleted footnote 2 in Section 500.40 (i),<sup>1</sup> and modified this section to read:

(i) In the case of ship stations, time of arrival at and departure from ports, giving names of each. The times used for making an entry in the station log shall be expressed in Eastern Standard Time. The abbreviation "EST" shall be inserted in the heading of the column in which the time is entered. (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i) [Rule 21 (i), as amended by the FCC, May 8, 1939, effective immediately.]

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 39-1658; Filed, May 13, 1939; 10:25 a. m.]

## Notices

## DEPARTMENT OF AGRICULTURE.

## Agricultural Adjustment Administration.

[Docket No. A-92-1 C-92-1]

## NOTICE OF REOPENING OF HEARING HELD ON PROPOSAL TO AMEND TENTATIVELY APPROVED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN KANSAS CITY, MISSOURI, MARKETING AREA

Whereas, pursuant to Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture held a public hearing at Kansas City, Missouri, on the 16th and 17th days of March, 1939,<sup>2</sup> in connection with a proposal to amend the tentatively approved marketing agreement and the order regulating the handling of milk in the Kansas City, Missouri, marketing area; and

Whereas, the Secretary desires additional evidence as to the proposal considered at the aforementioned public hearing, and has, therefore, determined to reopen said hearing;

Now, therefore, notice is hereby given that the aforesaid hearing will be reopened on May 22, 1939, at 10:00 a. m., c. s. t., in Room 433-34 Railway Exchange Building, 705 Walnut Street, Kansas City, Missouri, for the purpose of receiving additional evidence as to (a) the price for all milk sold in the area; (b) a special price for milk sold

for relief purposes, provided such milk is distributed through relief agencies entering into a cooperative program with the Secretary of Agriculture for the purchase and distribution of such milk; and (c) changing any other provisions of said tentatively approved marketing agreement and said order.

Copies of the proposed amendments to said tentatively approved marketing agreement and said order considered at the hearing on March 16 and 17, 1939, may be procured from the Hearing Clerk, Office of the Solicitor, Room 0310, South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

Dated May 13, 1939.

[F. R. Doc. 39-1672; Filed, May 13, 1939; 12:21 p. m.]

## Food and Drug Administration.

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR THE FOOD COMMONLY KNOWN AS CANNED PEAS

Notice is hereby given to all interested parties whose appearances have been entered as a matter of record that on Thursday, May 18, 1939, there will be certified to and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., the Transcripts of Evidence in the Public Hearings held for the purpose of receiving evidence upon basis of which regulations may be promulgated (A) (1) Fixing and establishing a reasonable definition and standard of identity, (2) Requiring label declaration of certain optional ingredients; (B) (1) Fixing and establishing a reasonable standard of quality, (2) Specifying form and manner of label statement of substandard quality; (C) (1) Fixing and establishing a reasonable standard of fill of container, (2) Specifying form and manner of label statement of substandard fill of container; For the food commonly known as Canned Peas.

Pursuant to the announcement made by the Presiding Officer at each of said Hearings, written arguments, proposed findings of fact, or both, together with

suggestions and conclusions, based solely on the evidence, may be filed with said Hearing Clerk not later than May 29, 1939.

[SEAL] JOHN McDILL FOX,  
Presiding Officer.

[F. R. Doc. 39-1681; Filed, May 15, 1939; 10:03 a. m.]

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

## RENOUNCE OF PUBLIC HEARING BEFORE INDUSTRY COMMITTEE NO. 5 FOR PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR THE MILLINERY INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Section 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto,<sup>1</sup> notice is hereby given to all interested persons that a public hearing will be held beginning at 11 A. M., May 31, 1939, in the Hotel Washington, 15th Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence to be considered by Industry Committee No. 5 in determining the highest minimum wage rates for the millinery industry which, with due regard to economic and competitive conditions, will not substantially curtail employment.

The term "millinery industry" originally defined in Administrative Order No. 17, signed March 7, 1939,<sup>2</sup> has been redefined in Administrative Order No. 23, signed May 6, 1939,<sup>3</sup> as follows:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of felt hat bodies of fur or wool.

Industry Committee No. 5 was created by Administrative Order No. 17, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, with the duty of investigating conditions in the millinery industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Any interested person may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with Burton E. Oppenheim, Chief of the Industry Committee Section, Wage and Hour Division, U. S. Department of Labor, Washington, D. C.,

<sup>1</sup> 4 F.R. 1559 DI.

<sup>2</sup> 4 F.R. 1157 DI.

<sup>3</sup> 3 F.R. 2744 DI.

<sup>4</sup> 4 F.R. 1187 DI.

<sup>5</sup> 4 F.R. 1953 DI.



prior to May 24, 1939, a Notice of Intention to Appear containing the following information:

- (1) The name and address of the person appearing.
- (2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
- (3) The approximate length of time which his presentation will consume.

Signed at Philadelphia, Pennsylvania, this 10th day of May, 1939.

KARL DE SCHWEINITZ,  
Chairman, Industry Committee  
No. 5 for the Millinery Industry.

[F. R. Doc. 39-1679; Filed, May 15, 1939;  
9:52 a. m.]

*Before the Administrator, Wage and Hour Division, United States Department of Labor*

IN THE MATTER OF PROPOSED AMENDMENT OF SECTION 536.2 (AREA OF PRODUCTION) OF REGULATIONS ISSUED UNDER THE FAIR LABOR STANDARDS ACT OF 1938

SUGAR DECISION, MAY 11, 1939

Appearances: O. B. Frazer, E. T. Fidler, J. A. Dickey, Manuel A. Del Valle, G. Cabrera, Ramon Ramos Casellas, Clarence K. Bowie for Petitioner; Clarence K. Bowie for Eastern Sugar Associates; Arthur L. Quinn for Fajardo Sugar Company & Sucesion Serrales; Boris Shiskin for American Federation of Labor and Puerto Rico Free Federation of Labor; Senator Garcia Mendes.

On February 1, 1939, the Association of Sugar Producers of Puerto Rico, hereafter called the "Association," filed its petition for an amendment of Section 536.2 of the Regulations—Title 29, Chapter V, Code of Federal Regulations, Part 536<sup>1</sup>—issued under authority of Section 13 (a) (10) of the Fair Labor Standards Act of 1938. On February 28, 1939, notice of a public hearing to be held on March 23, 1939, at 10 o'clock A. M. in the Department of Labor, Washington, D. C., was duly issued, served upon the petitioner, and duly published in the *FEDERAL REGISTER*.<sup>2</sup> The scope of the hearing was stated in the notice thereof to be as follows:

What, if any amendment should be made of Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 with respect to the processing of sugar cane into sugar (but not refining of sugar), or into syrup, or into molasses.

On March 18, 1939 the aforesaid hearing was postponed to March 29, 1939, at the same hour and place and notice of postponement thereof was served upon the petitioner and duly published

in the *FEDERAL REGISTER*.<sup>3</sup> On the 28th day of March, 1939, I denominated Merle D. Vincent as Presiding Officer to preside at and conduct said hearing and to determine the matters set forth in the notice of hearing.

Pursuant to such notices, a hearing was had on the said petition at the time and place designated and an opportunity was afforded all who appeared to present testimony and other evidence and to question witnesses. Opportunity to file briefs was also afforded all who appeared, and a brief was subsequently filed on behalf of Petitioner by J. A. Dickey.

Thereafter on the 9th day of May, 1939, the said Presiding Officer duly made and filed with me his findings and determination on the aforesaid petition, which are attached hereto, made a part hereof, and marked Exhibit "A."<sup>4</sup>

Upon the petition and the entire record of the proceeding, including Petitioner's brief, and the foregoing findings and determination of the Presiding Officer, I am of the opinion, and I hereby determine and decide, that (1) individuals engaged in the processing of sugar cane into raw sugar, syrup and molasses are not engaged in any of the operations specified in Section 13 (a) (10) of the Fair Labor Standards Act of 1938; (2) the exemption of Section 13 (a) (10) is not applicable to the said individuals engaged in the aforesaid operations; and (3) the petition is hereby denied.

ELMER F. ANDREWS,  
Administrator.

[F. R. Doc. 39-1680; Filed, May 15, 1939;  
9:52 a. m.]

#### CIVIL AERONAUTICS AUTHORITY.

[Dockets No. 131, 232]

IN THE MATTER OF THE APPLICATIONS OF NORTHWEST AIRLINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

#### NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on June 5, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923—16th Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., May 12, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1674; Filed, May 13, 1939;  
12:55 p. m.]

<sup>1</sup> 4 F.R. 1277 DI.

<sup>2</sup> Filed as a part of the original document with the Division of the Federal Register, The National Archives; copies available upon request to the Wage and Hour Division, Department of Labor.

[Docket No. 31-401 (B)-1]

IN THE MATTER OF THE APPLICATION WESTERN AIR EXPRESS CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

#### NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on June 15, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 Sixteenth Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., May 12, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1675; Filed, May 13, 1939;  
12:55 p. m.]

[Dockets No. 5-401 (B)-1, 222, 9-401 (B)-1, and 203]

IN THE MATTER OF THE APPLICATIONS OF NATIONAL AIRLINES, INC., AND EASTERN AIRLINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

#### NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on May 31, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., May 12, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1676; Filed, May 13, 1939;  
12:56 p. m.]

[Dockets No. 3-401 (B)-1, 3-401 (B)-2, 132, 194]

IN THE MATTER OF THE APPLICATIONS OF MID-CONTINENT AIRLINES, INC., BRANIFF AIRWAYS, INC., AND NORTHWEST AIRLINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

#### NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on June 12, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923—16th Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., May 12, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1677; Filed, May 13, 1939;  
12:56 p. m.]

<sup>3</sup> 3 F.R. 2536 DI; 4 F.R. 1655 DI.

<sup>4</sup> 4 F.R. 1092 DI.



[Docket No. 22-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF  
AMERICAN AIRLINES, INC.ORDER AUTHORIZING ISSUANCE OF CERTIFI-  
CATES OF PUBLIC CONVENIENCE AND  
NECESSITY

At a session of the Civil Aeronautics Authority held in the city of Washington, D. C., on the 9th day of May 1939.

American Airlines, Inc., having filed application for certificates of public convenience and necessity under section 401 (e) (1) of the Civil Aeronautics Act of 1938, and a full hearing thereon having been held,<sup>1</sup> and the Authority upon consideration of the record of such proceedings having issued its opinion containing its findings of facts, conclusions, and decision, which is attached hereto and made a part hereof,<sup>2</sup> and finding that its action in this matter is necessary pursuant to said opinion:

*It is ordered,* That there be issued to American Airlines, Inc., a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Dallas, Tex., the intermediate points Fort Worth, Tex., Abilene, Tex., Big Spring, Tex., El Paso, Tex., Douglas, Ariz., Tucson, Ariz., and Phoenix, Ariz., and the terminal point Los Angeles, Calif.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Newark, N. J., the intermediate points Wilkes-Barre, Pa., Scranton, Pa., Syracuse, N. Y., Rochester, N. Y., Buffalo, N. Y., Detroit, Mich., Ann Arbor, Mich., Jackson, Mich., Battle Creek, Mich., Kalamazoo, Mich., and South Bend, Ind., and the terminal point Chicago, Ill.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Boston, Mass., the intermediate points Providence, R. I., Springfield, Mass., Hartford, Conn., and New Haven, Conn., and the terminal point Newark, N. J.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provi-

sions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Boston, Mass., the intermediate points Springfield, Mass., Albany, N. Y., Utica, N. Y., Syracuse, N. Y., Rochester, N. Y., Buffalo, N. Y., and Erie, Pa., and the terminal point Cleveland, Ohio.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Cleveland, Ohio, the intermediate points Columbus, Ohio, Dayton, Ohio, Cincinnati, Ohio, and Louisville, Ky., and the terminal point Nashville, Tenn.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Albany, N. Y., the intermediate points New York, N. Y., Newark, N. J., Philadelphia, Pa., Baltimore, Md., Washington, D. C., Lynchburg, Va., Roanoke, Va., Bristol, Va., Knoxville, Tenn., Nashville, Tenn., Memphis, Tenn., Little Rock, Ark., Texarkana, Ark., and Dallas, Tex., and the terminal point Fort Worth, Tex.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Washington, D. C., the intermediate points Elkins, W. Va., Clarksburg, W. Va., Parkersburg, W. Va., Charleston-Dunbar, W. Va., Huntington, W. Va., Cincinnati, Ohio, and Indianapolis, Ind., and the terminal point Chicago, Ill.

*It is further ordered,* That there be issued to American Airlines, Inc. a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property, and mail between the terminal point Chicago, Ill., the intermediate points Peoria, Ill., Springfield, Ill., St. Louis, Mo., Springfield, Mo., Tulsa, Okla., Oklahoma City, Okla., and Dallas, Tex., and the terminal point Fort Worth, Tex.

*It is further ordered,* That the exercise of the privileges granted by each of said certificates shall be subject to the terms, conditions, and limitations prescribed by Regulation 401-F-1, issued by the Authority on February 24, 1939, all amendments thereto and such other terms, conditions, and limitations as may from time to time be prescribed by the Authority.

*It is further ordered,* That the application of American Airlines, Inc., made under section 401 (e) (1) of the Act, for a certificate of public convenience and necessity authorizing it to engage in air transportation with respect to persons, property, mail, and foreign mail between the terminal point Newark, N. J., and the terminal point Lakehurst, N. J., be and it is hereby denied.

*It is further ordered,* That Special Order 401-A-5 adopted September 23, 1938, Special Order 401-A-11 adopted December 5, 1938, Special Order 401-A-13 adopted February 10, 1939, and Special Order 401-A-15 adopted April 28, 1939, shall automatically be vacated upon the issuance, as authorized by this order, of the certificates of public convenience and necessity for the routes to which such orders relate.

*It is further ordered,* That said certificates shall be issued in the form attached hereto<sup>3</sup> and shall be signed on behalf of the Authority by the Chairman of the Authority and shall have affixed thereto the seal of the Authority attested by the Secretary. Said certificates shall be made effective from the 22nd day of August, 1938.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 39-1686; Filed, May 15, 1939;  
11:55 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5548]

IN THE MATTER OF TENNESSEE UTILITIES  
CORPORATION

## NOTICE OF APPLICATION

MAY 9, 1939.

Notice is hereby given that on May 8, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by Tennessee Utilities Corporation, a corporation organized under the laws of the State of Tennessee and doing business in said State, which will be licensed to do business in the State of Georgia, with its principal office at Chattanooga, Tennessee, seeking an order authorizing the sale and transfer of electric facilities under and in accordance with the terms of the proposed sale agreement between The Commonwealth & Southern Corporation, a corporation organized under the laws of the State of Delaware, and the Tennessee Valley Authority, a corporation created and now existing under and by virtue of the Tennessee Valley Authority Act of 1933 as amended, the following municipal corporations of the State of Tennessee:

City of Athens.  
City of Chattanooga.  
City of Clinton.

<sup>1</sup> 3 F.R. 2888 DI.<sup>2</sup> Filed as a part of the original document with the Division of the Federal Register, The National Archives.



City of Columbia.  
Town of Dickson.  
City of La Follette.  
City of Lenoir City.  
City of Loudon.  
City of Maryville.  
City of Nashville.  
City of Pulaski.  
City of Rockwood.  
City of Savannah.  
City of Shelbyville.  
City of Sweetwater.

the following corporations existing under the Tennessee Electric Membership Corporation Act of 1937:

Cumberland Electric Membership Corporation.  
Duck River Electric Membership Corporation.  
Lincoln County Electric Membership Corporation.  
Meigs County Electric Membership Corporation.  
Meriwether Lewis Electric Membership Corporation.  
Middle Tennessee Electric Membership Corporation.  
Pickwick Electric Membership Corporation.  
Tri-County Electric Membership Corporation.  
Upper Cumberland Electric Membership Corporation.

and the following membership corporations existing under the laws of the State of Georgia:

Blue Ridge Electric Membership Corporation.  
North Georgia Electric Membership Corporation.

The application states that the applicant as yet owns no electric facilities but, subject to the approval of the Securities and Exchange Commission under the Public Utility Holding Act of 1935, will by the liquidation of the Tennessee Electric Power Company and Southern Tennessee Power Company, acquire all of the electric facilities of said companies. Upon such acquisition, applicant will be engaged, primarily, in the generation, transmission and distribution of electric energy in Nashville, Chattanooga and about 450 communities in central and eastern Tennessee and within a small area of northwestern Georgia. Part of these electric properties to be so acquired are facilities which are used to transmit or receive electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce. The application asks for the approval of the sale of such of the properties to be sold to the Tennessee Valley Authority et al., as the Commission finds are electric facilities subject to its jurisdiction; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th

day of May, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 39-1670; Filed, May 13, 1939;  
12:06 p. m.]

#### FEDERAL TRADE COMMISSION.

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3563]

IN THE MATTER OF J. C. WINTER & COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U.S.C.A. Section 41),

It is ordered, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, May 18, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth and Constitution Avenue, N. W., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 39-1652; Filed, May 12, 1939;  
2:41 p. m.]

#### RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 343]

ALLOCATION OF FUNDS FOR LOANS

MAY 11, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the

Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Alabama R9020W1 Baldwin.....	\$2,500
Arkansas R9012W1 Miller.....	7,000
Georgia R9067W4 Bacon.....	25,000
Georgia R9070W5 Mitchell.....	20,000
Georgia R9078W1 Habersham.....	8,000
Iowa R9023W1 Crawford.....	2,500
Iowa R9060W1 Emmet-Dickinson.....	5,000
Louisiana R9015W1 Pointe-Coupe.....	10,000
Missouri R9043W1 Laclede.....	5,000

JOHN M. CARMODY,  
Administrator.

[F. R. Doc. 39-1654; Filed, May 13, 1939;  
10:24 a. m.]

[Administrative Order No. 344]

ALLOCATION OF FUNDS FOR LOANS

MAY 11, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation	Amount
Florida R9017B1 Jackson.....	\$194,000
Georgia R9035C2 Walton.....	20,000
Illinois R9018B3 Pike.....	100,000
Indiana R9016E1 Henry.....	35,000
Kentucky R9026B1 Todd.....	163,000
Mississippi R9039A1 Jackson.....	213,000
North Carolina R9040A1 Brunswick.....	171,000
South Carolina R9019A1 Laurens.....	224,000
Texas R9064C1 San Augustine.....	157,000
Wisconsin R9019D1 Chippewa.....	151,000

JOHN M. CARMODY,  
Administrator.

[F. R. Doc. 39-1655; Filed, May 13, 1939;  
10:24 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May 1939.

IN THE MATTER OF BANKERS SECURITIES COMPANY, INC., 1422 K STREET, N. W., WASHINGTON, D. C.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION OR SUSPENSION OF REGISTRATION

Bankers Securities Company, Inc., a corporation organized under the laws of the State of Delaware, is registered as a dealer pursuant to Section 15 of the Securities Exchange Act of 1934, and hereinafter is referred to as Registrant.

Bankers Credit and Acceptance Corporation is a corporation organized un-



der the laws of the State of Delaware, and hereinafter is referred to as Issuer.

Samuel Robert Smith is president of Registrant and secretary-treasurer of Issuer.

On May 13, 1938 a registration statement, pursuant to the provisions of the Securities Act of 1933, was filed with the Commission for 10,000 shares of seven per cent cumulative preferred stock, and 10,000 shares of common stock of Issuer. Issuer had previously entered into a written contract for the sale by Registrant of the above securities to the public in units of one share of preferred stock and one share of common stock at the price of \$25.00 per unit. Under the terms of this contract Issuer was to receive \$20.00 per unit or a total of \$200,000.00 and Registrant was to retain \$5.00 per unit or a total of \$50,000.00.

On May 13, 1938 a prospectus was filed as an exhibit to said registration statement, and on May 28, 1938 an amended prospectus was filed containing the following provision:

"The Company" (Issuer) "estimates that it will require at least \$40,000.00 working capital to enable it to properly begin business. While the proceeds derived from the sale of the securities covered by this Prospectus will not be escrowed or trusted, the Company will not disburse any of the proceeds thus received from the sale of its preferred and common shares unless and until it has received a minimum of \$40,000.00 from the sale of its said securities. In the event the Company fails to obtain said minimum of \$40,000.00 from the sale of its securities within 90 days from the effective date of this Registration Statement covering this issue the Company will refund to the subscribers the full net amount received by the Company from such subscriptions, or \$20.00 per unit, said units consisting of one share of preferred stock, par value \$20.00 and one share of common stock, no par value, offered to the public at \$25.00 per unit. Subscriptions to this offering will be so conditionally accepted."

At a later date, September 17, 1938, following some of the sales hereinafter described, an amendment was filed amending the registration statement and the above quoted provision of the prospectus of May 28, 1938, as follows:

"The Company estimates that it will require at least \$40,000.00 working capital to enable it to properly begin business. While the proceeds derived from the sale of the securities covered by this Prospectus will not be escrowed or trusted, the Company will not disburse any of the proceeds thus received from the sale of its preferred and common shares unless and until it has received a minimum of \$40,000.00 from the sale of its said securities. This \$40,000.00 of net

proceeds was to be subscribed to within ninety days from the effective date of the original registration. At the termination of this ninety day period on September 16, 1938, the registrant had issued only 34 shares of cumulative preferred and 34 shares of common stock which have been fully paid, and in addition thereto, holds subscriptions for 121 shares of cumulative preferred and 121 shares of common stock not fully paid at the filing date of this amendment. The registrant has requested an extension beyond the ninety day period, to six months from the effective date of this amendment, to obtain the balance of the \$40,000.00 net proceeds from additional sales and subscriptions of its securities. In the event the Company fails to obtain said minimum of \$40,000.00 from the sale of its said securities within the extension period of six months from the effective date of this amendment to the Registration Statement, the Company will refund to stockholders and subscribers the full net amount received by the Company from such sales and subscriptions, or \$20.00 per unit, said units consisting of one share of preferred stock, par value \$20.00 and one share of common stock, no par value, offered to the public at \$25.00 per unit. Subscriptions to this offering will be so conditionally accepted."

The Commission has reasonable grounds to believe that:

During the month of August 1938 Registrant sold a resident of Washington, D. C. four units of the above stock by means of the representation that it was a good investment and the representation that a seven per cent dividend would be received from the preferred stock beginning three months from the date of purchase. Registrant omitted to disclose to the purchaser that Issuer would not begin business unless \$40,000.00 were received from the sale of its securities. Registrant delivered these securities to the purchaser by mail and did not furnish purchaser with a prospectus meeting the requirements of Section 10 of the Securities Act of 1933.

During the latter part of August 1938 Registrant sold another resident of Washington, D. C. 140 units of the above stock for a purchase price of \$3500.00, and thereafter sold to this purchaser 40 additional units for a purchase price of \$1000.00, by means of (a) the representation that an investment in the securities of this Issuer would be perfectly safe, (b) the representation that any money invested by this purchaser would be returned to her upon request at any time without any deduction of any kind, (c) the representation that dividends of seven per cent on the preferred stock would be paid commencing not later than three months from August 1938. Registrant omitted to disclose to this purchaser that Issuer would not begin business unless \$40,000.00 were re-

ceived from the sale of its securities, omitted further to disclose to this purchaser that in the event \$40,000.00 were not obtained by Issuer, purchaser would be entitled only to the return of four-fifths of the amount invested, and omitted further to disclose to such purchaser that funds already obtained from the sale of this issue of securities in large part had been disposed of as is hereinafter more particularly described. Registrant delivered 20 units of these securities to the purchaser by mail under letter of transmittal dated August 31, 1938, which was received during the latter part of September or the early part of October 1938. As of the date of the receipt by the purchaser of these securities, Registrant had not furnished this purchaser with a prospectus meeting the requirements of Section 10 of the Securities Act of 1933 and did not furnish such a prospectus until December 1938.

During the months of August and October 1938 Registrant made to another resident of Washington, D. C. respective sales of 20 units and of 16 units of the above stock by means of (a) the representation that Issuer would be able to realize a turnover of about two and one-half times per year, (b) the representation that Issuer might be in a position by the first of the year to pay dividends on the preferred stock, and (c) the representation that the investment would without doubt materialize into one far beyond the expectations of the purchaser. Registrant omitted to disclose to this purchaser that in the event the Issuer did not obtain \$40,000.00, according to the terms of the prospectus pursuant to Section 10 of the Securities Act the purchaser would be entitled to have returned to her only four-fifths of the amount paid for the purchase of these securities. Also, Registrant omitted to disclose to this purchaser that the funds already obtained from the sale of this issue of securities in large part had been disposed of as is hereinafter more particularly described. Prior to the time of these sales Registrant delivered to this purchaser four prospectuses as defined in Section 2 (10) of the Securities Act of 1933 which did not meet the requirements of Section 10 of the Securities Act of 1933. Registrant employed means and instruments of transportation within the District of Columbia to deliver these securities and the four prospectuses above described to this purchaser.

During September and October 1938 Registrant sold another resident of Washington, D. C., 80 units of the above stock for a purchase price of \$2,000.00 by means of (a) the representation that Issuer was considered to be a good investment, (b) the representation that the preferred stock paid a dividend of seven per cent per annum in quarterly installments, (c) the representation that the purchaser could not lose on his in-



vestment as his money always would be out working in loans, principally short-term loans, and (d) the representation that the purchaser could have his money returned to him at any time. Registrant omitted to disclose to this purchaser that Issuer would not begin business unless \$40,000.00 were received from the sale of its securities, omitted further to disclose to this purchaser that the funds already obtained from the sale of such securities in large part had been disposed of as is hereinafter more particularly described, and omitted further to disclose to this purchaser that in the event any money were refunded to him, according to the terms of the Prospectus he would only be entitled to repayment of four-fifths of the amount paid for the securities. Registrant employed means and instruments of transportation within the District of Columbia to deliver the securities to this purchaser. Registrant did not at any time furnish this purchaser with a prospectus meeting the requirements of Section 10 of the Securities Act of 1933.

During the latter part of September or the first part of October 1938 Registrant sold another resident of Washington, D. C. four units of the above stock by means of (a) the representation that Issuer would operate along the lines of a Federal Credit Union in regard to lending money, (b) the representation that Issuer would charge the same rate of interest on loans as a Federal Credit Union, (c) the representation that Issuer would be able to pay a dividend of seven per cent per annum quarterly sometime shortly after January 1, 1939, (d) the representation that Samuel Robert Smith had been connected with industrial banks in Washington for a period of approximately 20 years, (e) the representation that many important people in Washington were interested in Issuer, (f) the representation that any time this purchaser was dissatisfied for any reason whatsoever she could immediately withdraw the full amount of money invested in Issuer. Registrant omitted to disclose to this purchaser that Issuer would not begin business unless \$40,000.00 were received from the sale of its securities, omitted further to disclose to purchaser that in the event \$40,000.00 were not obtained by Issuer, purchaser would be entitled only to the return of four-fifths of the amount invested, and omitted further to disclose that the funds already obtained from the sale of this issue of securities in large part had been disposed of as is hereinafter more particularly described. Registrant delivered to this purchaser two prospectuses as defined in Section 2 (10) of the Securities Act of 1933 which did not meet the requirements of Section 10 of the Securities Act of 1933. Registrant did not at any time furnish this purchaser with a prospectus

meeting the requirements of Section 10 of the Securities Act of 1933. Registrant employed means and instruments of transportation within the District of Columbia to deliver the securities and the two prospectuses above described to this purchaser.

During the month of October 1938 Registrant sold another resident of Washington, D. C. four units of the above stock by means of (a) the representation that Issuer would pay a quarterly dividend of seven per cent per annum on the preferred stock, (b) the representation that Issuer would pay a dividend of 25% on the common stock, and (c) the representation that the sum of the dividends on the preferred stock and the common stock would give the purchaser a yield on her entire investment of approximately nine per cent per annum. Registrant omitted to disclose to this purchaser that Issuer would not begin business unless \$40,000.00 were received from the sale of its securities, omitted further to disclose to this purchaser that in the event \$40,000.00 were not obtained by Issuer, this purchaser would be entitled only to the return of four-fifths of the amount invested, and omitted further to disclose that the funds already obtained from the sale of this issue of securities in large part had been disposed of as is hereinafter more particularly described. At no time did Registrant furnish this purchaser with a prospectus meeting the requirements of Section 10 of the Securities Act of 1933. Registrant employed means and instruments of transportation within the District of Columbia to deliver the securities to this purchaser.

During the month of December 1938 Registrant sold a resident of Middletown, Maryland 20 units of the above stock by means of (a) the representation that it could be cashed in at any time at its face value, (b) the representation that the first dividend thereon would be paid at the end of March 1939, (c) the representation that Issuer would begin doing business January 1, 1939, and (d) the representation that the security had a loan value of 80% upon request. Registrant omitted to disclose to this purchaser that Issuer would not begin business unless \$40,000.00 were received from the sale of its securities, and also omitted to disclose to this purchaser that the funds already obtained from the sale of such securities in large part had been disposed of as is hereinafter more particularly described. Registrant employed means and instruments of transportation in interstate commerce to deliver the securities to this purchaser.

Funds received by Issuer from the sale of its securities were loaned to Registrant and as of February 28, 1939 Registrant owed to Issuer \$10,220.41. \$11,975.00 were obtained from the public by

Registrant through the sale of such securities. Of this amount \$9,580.00 should have been paid by Registrant to Issuer and not disbursed by Issuer until a minimum of \$40,000.00 had been received by Issuer from the sale of its securities. Although the required minimum had never been received by Issuer prior to February 28, 1939, the Issuer as of that date had on hand only \$1,584.04 in cash, and notes or accounts receivable from Registrant which Registrant was at the time and still is unable to pay.

The Commission further has reasonable grounds to believe that Registrant has willfully violated Section 5 (b) (1) of the Securities Act of 1933 in that Registrant during the period from June 12, 1938 to March 15, 1939 directly or indirectly made use of means and instruments of transportation and communication in interstate commerce and of the mails to carry or transmit prospectuses relating to Issuer's securities registered under the Securities Act of 1933 when such prospectuses did not meet the requirements of Section 10 of said Act, as is hereinabove more particularly alleged.

The Commission further has reasonable grounds to believe that Registrant has willfully violated Section 5 (b) (2) of the Securities Act of 1933 in that Registrant during the period from June 12, 1938 to March 15, 1939 directly or indirectly caused to be carried through the mails and in interstate commerce Issuer's securities, registered under the Securities Act of 1933, for the purpose of sale and for delivery after sale without said securities being accompanied or preceded by a prospectus meeting the requirements of Section 10 of said Act, all as is hereinabove more particularly alleged.

The Commission further has reasonable grounds to believe that Registrant has willfully violated the provisions of Section 17 (a) (2) of the Securities Act of 1933 in the sale of securities of Issuer by the use of means and instruments of transportation and communication in interstate commerce and by the use of the mails in that Registrant directly or indirectly has obtained money and property by means of untrue statements of material facts and by means of omissions to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, all as is hereinabove more particularly alleged.

The Commission further has reasonable grounds to believe that Registrant has willfully violated the provisions of Section 17 (a) (3) of the Securities Act of 1933 in the sale of securities of Issuer by the use of means and instruments of transportation and communication in interstate commerce and by the use of



the mails in that Registrant directly or indirectly has engaged in transactions, practices, and a course of business which would operate and did operate as a fraud and deceit upon purchasers, all as is hereinabove more particularly alleged.

The Commission further has reasonable grounds to believe that it is in the public interest to revoke registration, and that it is in the public interest to suspend registration pending final determination upon revocation.

The Commission is of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided.

*It is ordered*, That proceedings be held to determine whether the registration of Bankers Securities Company, Inc., a corporation, should be revoked, and to determine whether this registration, pending final determination, should be suspended, pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

*It is further ordered*, That a hearing for the purpose of taking evidence be held at 10:00 A. M. on June 1, 1939, at the Securities and Exchange Commission, 1778 Pennsylvania Avenue, Washington, D. C., in Room 1101, and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing William W. Swift be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at said hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the said registrant personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve Registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission, and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1662; Filed, May 13, 1939; 11:14 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May 1939.

[File No. 37-33]

IN THE MATTER OF AMERICAN GAS AND ELECTRIC SERVICE CORPORATION

ORDER APPROVING A SUBSIDIARY SERVICE COMPANY PURSUANT TO PARAGRAPH (B) OF SECTION 13 OF THE PUBLIC UTILITY HOLDING COMPANY ACT, 1935

Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Declarant to conduct its business as a subsidiary service company subject to the following conditions that:

(1) In the event of a contemplated substantial change in its organization, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or an increase in the scope of the services to be rendered, Declarant shall first obtain the approval of this Commission of such change.

(2) If the application of Declarant's cost-allocation method does not result in a fair and equitable allocation of its costs among the associate serviced companies, the Commission will require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

This order is not to be construed as a ruling that Declarant may not be required to effect any changes in its organization and operation, or any other changes which become necessary for it to conform with the Act, present or future rules, regulations or orders.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1663; Filed, May 13, 1939; 11:14 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1939.

[File No. 37-33]

IN THE MATTER OF AMERICAN GAS AND ELECTRIC SERVICE CORPORATION

ORDER ADMITTING AS A PARTY THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Pennsylvania Public Utility Commission having requested leave to intervene in the above matter,

*It is ordered*, Pursuant to Section 19 of the Public Utility Holding Company Act of 1935, that said Commission be, and it hereby is, admitted as a party to this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1664; Filed, May 13, 1939; 11:14 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1939.

[File Nos. 31-388 and 31-446]

IN THE MATTER OF THE DETROIT EDISON COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matters be held on June 6, 1939, at 10:30 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 29, 1939.

The matters concerned herewith are in regard to applications filed by The Detroit Edison Company pursuant to Section 2 (a) (8) of The Public Utility Holding Company Act of 1935, for an order declaring it not to be a subsidiary



of American Light & Traction Co., Gardner & Brown, The North American Co., The United Light and Power Co. or The United Light & Railways Co.  
By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1684; Filed, May 15, 1939;  
11:21 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of May, A. D. 1939.

[File No. 31-152]

IN THE MATTER OF THE APPLICATION OF  
C. E. BURLINGAME CORPORATION

ORDER CONSENTING TO WITHDRAWAL UNDER  
PUBLIC UTILITY HOLDING COMPANY ACT  
OF 1935 PURSUANT TO REQUEST OF  
APPLICANT

Upon the request of the applicant the Commission consents to the withdrawal of the application of the above-named applicant and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1685; Filed, May 15, 1939;  
11:21 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1939.

No. 94—3

[File No. 57-7]

IN THE MATTER OF MEMPHIS POWER &  
LIGHT COMPANY AND MEMPHIS GENER-  
ATING COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b), 10 (a) (1) and 12 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on June 1, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 26, 1939.

The matter concerned herewith is in regard to the application by Memphis Generating Company (a Tennessee cor-

poration) for an order exempting from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, the issuance and sale of a maximum amount of 50,490 shares of the common stock of said corporation, of the aggregate par value of \$5,049,000, such exemption being prayed under Section 6 (b) of said Act which provides for the exemption of the issue and sale of securities of subsidiary companies of registered holding companies when such issue and sale are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the State Commission of the state in which such subsidiary company is authorized and doing business; that application of Memphis Power & Light Company (a New Jersey corporation) under Section 12 (f) of said Act and pursuant to Rule U-12F-1 of this Commission, for approval of the sale by said latter applicant of certain utility assets to said Memphis Generating Company in consideration of the issuance to said Memphis Power & Light Company of \$4,988,134.75 (subject to minor adjustments) aggregate par value of the common stock of Memphis Generating Company, above described; and the application of Memphis Power & Light Company, pursuant to Section 10 (a) (1) of said Act for approval of the acquisition of said stock of Memphis Generating Company of the aggregate par value of \$5,049,000, the consideration therefor to be the transfer of said utility assets of the appraised value of \$4,988,134.75 (subject to minor adjustments) and cash to the amount of the excess par value of the stock to be so acquired over the appraised value of the property to be so transferred.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 39-1683; Filed, May 15, 1939;  
11:21 a. m.]



